

DOCKETED: 03/17/04

TRANSCRIPT OF PROCEEDINGS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

IN THE MATTER OF.

EB DOCKET NO 01-39

FAMILY BROADCASTING, INC

FCC-0ALJ RCD
MAR 31 2 54 PM '04

DATE OF HEARING: MARCH 16, 2004

VOLUME: 2

PLACE OF HEARING. WASHINGTON, D.C.

PAGES: 46-192

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

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WASHINGTON, D.C. 20554

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In the matter of:

FAMILY BROADCASTING, INC.

Order to Show Cause Why
the Licenses for Stations
WSTX (AM) and WSTX-FM,
Christiansted, U.S. Virgin
Islands, Should Not Be
Revoked

EB Docket No. 01-39

VOLUME 2

Tuesday,
March 16, 2004

The hearing commenced at 9:30 a.m., in
Room TWA 363, Courtroom A, of the Federal
Communications Commission, 445 12th Street, S.W.,
Washington, D.C. 20554, Richard L. Sippel, Chief
Administrative Law Judge, presiding.

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I-N-D-E-X

WITNESS:

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Barbara James-Petersen

By Mr. Shook

87

EXHIBITS:

IDENTIFIED

RECEIVED

Family Broadcasting:

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Enforcement Bureau:

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Start Time: 9:30 a.m.

End Time: 1:06 p.m.

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P-R-O-C-E-E-D-I-N-G-S

(9:30 a.m.)

JUDGE SIPPEL: Good morning. We're back in session.

I'm going to characterize this as Phase 2 of the Family Broadcasting matter, EB Docket Number 01-39. It's an interesting number. It doesn't mean 1939.

I'm going to take appearances at this point, and then ask you if there's any preliminary matters. I know I've got the application for the use of the deposition. But if there's anything that you want to raise preliminarily, we can do that now.

On behalf of Family Broadcasting?

MR. HUBER: Yes, Your Honor. I would like to interpose a Motion for Continuance of this matter that we discussed.

JUDGE SIPPEL: Well, I'm just trying to take -- just identify yourself for the record. You are?

MR. HUBER: I am Daniel Huber. I'm counsel for Family Broadcasting, Inc.

JUDGE SIPPEL: Okay. And on behalf of the Bureau?

MR. SHOOK: James Shook and --

1 MS. WILLIAMS: Romanda Williams.

2 JUDGE SIPPEL: Ms. Williams, good morning.

3 I've been handed -- what is this, a
4 service list?

5 MR. HUBER: Yes.

6 JUDGE SIPPEL: I've been handed a two-page
7 document from Mr. Huber. It's entitled Motion for
8 Continuance, dated March 16, 2004, with Mr. Huber's
9 signature on it. Have you received a copy of this,
10 Mr. Shook?

11 MR. SHOOK: We did just minutes ago, Your
12 Honor.

13 JUDGE SIPPEL: Just minutes ago?

14 MR. SHOOK: Yes, sir.

15 JUDGE SIPPEL: All right. Maybe you can
16 tell me -- maybe it would be faster for you to just
17 tell me what this is about, Mr. Huber.

18 MR. HUBER: Yes, Your Honor. My client,
19 Family Broadcasting, Inc., has been relying on the
20 hope that its application --

21 JUDGE SIPPEL: I'm sorry. Just -- hold on
22 just one minute. We have microphone arrangement here
23 to make. Thank you very much.

24 All right. Let's try it again.

25 MR. HUBER: My client, Family

1 Broadcasting, Inc., has been relying on the hope that
2 its application for assignment of its license --

3 JUDGE SIPPEL: Right.

4 MR. HUBER: -- would be granted by the
5 full Commission. Initially, that application was
6 rejected by the staff.

7 JUDGE SIPPEL: Right. No, I have -- I
8 mean, I'm familiar enough with the procedural steps
9 that we're taking and where it stands now, so go
10 ahead.

11 MR. HUBER: And as you'll see in this
12 motion, we've relied on the precedent of Swaggart and
13 LaRose for support of the notion that we believe it
14 makes sense to -- and to provide fundamental fairness
15 to my client to allow us the opportunity for the full
16 Commission to reach a final decision.

17 As the Enforcement Bureau is aware, we
18 have been in discussions with the chairman's office
19 and the staff of the Commission, and I have reason to
20 believe that ultimately our request -- or application
21 for review will be favorably acted upon.

22 JUDGE SIPPEL: When?

23 MR. HUBER: I have had several
24 conversations, and that decision could be coming
25 almost any day, honestly. I had been very much

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1 hopeful of getting a final position from the
2 chairman's office prior to today's hearing. I have
3 not, but I expect to --

4 JUDGE SIPPEL: Are they aware --

5 MR. HUBER: Pardon me?

6 JUDGE SIPPEL: Are they aware of the fact
7 that -- whoever you're dealing with, are they --

8 MR. HUBER: Yes, they are aware that we
9 are at hearing, and I have told them -- the chairman's
10 office that, in fact, the Commissioners' offices were
11 all served with this motion as well. And I have made
12 them aware that I am requesting for a delay -- a
13 continuance of this hearing proceeding until they're
14 able to reach a final decision. That's essentially
15 what I asked for in the motion.

16 JUDGE SIPPEL: All right. Well, okay.
17 And in fairness to you -- I want this clear on the
18 record -- that you did give me sort of an informal
19 heads-up on this when we had our brief telephone
20 conference, I believe it was last Thursday.

21 MR. HUBER: Last Thursday or Friday, yes,
22 sir.

23 JUDGE SIPPEL: Mr. Shook?

24 MR. SHOOK: Right. And also, in fairness,
25 likewise, we were a party to that conversation. So we

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1 had a pretty good idea that this might be coming.

2 We continue to oppose it, just as we
3 indicated during that telephone conversation that we
4 would oppose such a motion. What we're talking about
5 today is having admitted into evidence various
6 documents that we believe are pertinent to this -- to
7 the issues that still need to be resolved, if the
8 Commission denies the application for review.

9 If the Commission grants the application
10 for review, well, then, chances are that what we're
11 doing today will essentially be set aside. But
12 there's no way for us to know that right now, and we
13 could wait for months, perhaps even longer than that,
14 depending on what other business the Commission has to
15 attend to before the Commission decides to act on that
16 application for review.

17 So the point of today is to have the
18 record submitted into evidence, take testimony, be in
19 a position to have this matter resolved. Should the
20 Commission either decline to act on the application
21 for review for whatever reason it may have, or that it
22 denies the application for review -- otherwise, we
23 could be forced to do this months, a year from now,
24 prepare all over again. I mean, essentially waste our
25 time, their time, your time, by going through this

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1 process again.

2 We're here. We can get this over with,
3 probably in one day, and you can set days for findings
4 and conclusions. If it turns out the Commission
5 decision comes out in the interim and is as Family
6 wishes it to be, well, then, that would moot the need
7 for submitting findings and conclusions. But these
8 are things that we simply do not know right now.

9 JUDGE SIPPEL: I take it you don't have
10 any, you know, first- or second-hand knowledge about
11 what's going on with this up on the eighth floor at
12 this point.

13 MR. SHOOK: Mr. Huber has advised me that,
14 you know, he has been meeting with various people
15 about this matter, but there is no information that
16 has come to me directly from any source within the
17 Commission that tells me one way or the other how the
18 Commission is going to act on this application for
19 review.

20 MR. HUBER: Your Honor, I just -- as Jim
21 is aware, I have provided notice and the opportunity
22 for the Enforcement Bureau to appear at the meetings
23 that I've had with the chairman's office.

24 JUDGE SIPPEL: No. I'm not suggesting
25 there's anything wrong with that. I just want to know

1 in terms of -- I'm trying to get the best feel I can
2 for, you know, where things sit. That's my concern.

3 MR. HUBER: Additionally, Your Honor, I
4 would like to add that the reality is such that my
5 client is operating a marginally profitable small
6 radio station in St. Croix, and has somewhat limited
7 resources.

8 And as a practical matter, as my client is
9 very well aware, and as I've made Mr. Shook aware, our
10 strategy in this matter has been focused primarily on
11 trying to get this distressed sale completed, as the
12 resources that are available to my client are
13 relatively limited, in terms of providing a vigorous
14 defense.

15 And I -- and, again, I raise that because
16 I think in fundamental fairness -- I think should
17 allow my client to have the opportunity to proceed,
18 fully exploring the possibility of getting the
19 distressed sale completed prior -- I think I'll leave
20 it at that.

21 JUDGE SIPPEL: If we take testimony and
22 admit evidence today, and leave the record open, and
23 there is no action -- I mean, there is no proposed
24 findings -- well, there's no findings made by myself,
25 what can you -- either side or both sides -- instruct

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1 me in terms of what that would do, negative or
2 positive -- would that in any negative way prejudice
3 the application for assignment?

4 MR. HUBER: Your Honor, I suppose that's
5 a matter that ultimately the Commissioners themselves
6 would have to decide. I mean, at some point the
7 potential jeopardy the license may be in with respect
8 to my client may ultimately be a factor in the
9 determination about what the Commission has decided to
10 do on the application for review. That's something
11 that, frankly, I -- it may have an impact, but it's
12 one that's difficult for me to assess.

13 JUDGE SIPPEL: Mr. Shook?

14 MR. SHOOK: Your Honor, so far as I know
15 this is a matter of first impression. I don't think
16 we ever had a situation where we've had a two-track
17 proceeding, if you will, where there has been a
18 distressed sale application being considered at the
19 Commission level while at the same time a hearing is
20 taking place relative to the entity that seeks to take
21 advantage of the distressed sale policy.

22 It would seem to me that unless the
23 Commission itself issues some directive to us that
24 these proceedings either be halted or that the
25 Commission believes that some action on our part will

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1 have an impact on its decision that it would make more
2 sense for us to go forward now.

3 Now, whether or not we actually have to
4 set a date for findings and conclusions, we would --
5 would suggest, the Bureau would suggest, that such be
6 done. On the other hand, I recognize that Family's
7 resources are limited, and they may not want to go
8 down that road if it turns out that the Commission
9 opts to grant the distressed sale application.

10 By the same token, as I said earlier, that
11 could take months, perhaps even a year or longer, for
12 the Commission to reach a decision in this matter. As
13 I suspect we're all aware, the Commission is dealing
14 with many, many matters at this moment, and there's
15 simply no way for us to know where our proceeding fits
16 into that mix.

17 So my thinking would be first -- or my
18 suggestion first would be certainly to go forward, as
19 we are today, take testimony, have documents admitted
20 into evidence. I don't believe that that would affect
21 the Commission's decision in any way whatsoever. The
22 Commission is going to decide the application for
23 review on its merits.

24 JUDGE SIPPEL: Yes. I'm not -- I didn't
25 mean to interrupt. But, I mean, I'm not -- I'm not

1 suggesting that the record would somehow or other --
2 I mean, it could I suppose, but I'm not thinking --
3 I'm not focused on it adversely affecting the outcome
4 of the substantive decision that the Commission would
5 have to make.

6 I mean, is there some procedural -- is
7 there some procedural prejudice that could arise
8 because we're -- I'm talking to myself -- I'm thinking
9 to myself as I'm saying that, I mean, we have a fairly
10 substantial record in this case already. I mean, this
11 hearing has commenced quite some time ago. This is
12 just Phase 2 of the same hearing.

13 The Commission wants this issue resolved
14 by hearing, so they sent it back down to do that. So
15 I guess, really -- correct me if you think that I'm
16 wrong on this -- but I guess the -- if there is such
17 a standard that says that you can't start a hearing,
18 once you start a hearing that that -- that that
19 prejudices an application for assignment under the
20 minority preference procedures, whatever.

21 I take it -- I mean, that really wouldn't
22 apply here, because we've already started this
23 hearing. And the Commission is still considering
24 this, and it was considered on its merits back on --

25 MR. SHOOK: Well, when the application --

1 when the Commission made the decision that it did,
2 which was to hold a hearing relative to the transfer
3 of control applications. And then subsequently, when
4 Family petitioned for extraordinary relief, the
5 Enforcement Bureau certainly didn't oppose that, and,
6 you know, it didn't take the position that because of
7 what had already transpired that it was -- that
8 distressed sale relief was unavailable to Family
9 Broadcasting.

10 We didn't take that position. We didn't
11 oppose the distressed sale petition for extraordinary
12 relief. What the Media Bureau did was something that
13 it decided on its own based on what it interpreted the
14 policy to be and what precedent required or did not
15 require. Now, the Commission is going to be reviewing
16 that decision.

17 So, in that sense, whatever takes place
18 here essentially is independent of what the Commission
19 is going to do, and we're simply going to be in a
20 position to resolve this matter should the Commission
21 deny that application for review.

22 JUDGE SIPPEL: Well, I think -- I would
23 certainly entertain a request to be lenient with
24 respect to -- let me put it this way. I would be
25 accepting of a request to extend the time within which

1 proposed findings would be submitted, beyond what the
2 rules require and beyond what I normally require.

3 I usually require at least 30 days after
4 the record is closed for the proposed findings, and
5 then maybe 15 days after that for reply. I'm open to
6 extending that, subject, of course, to hearing the
7 Bureau's position.

8 If you can give me some kind of -- I know
9 you can't give me guarantees, but if you can give me
10 some reason to believe that this is something that the
11 Commission is attending to --

12 MR. HUBER: Your Honor, in the
13 conversations that I've had with the chairman's
14 offices as recently as yesterday, this is something
15 clearly that they are intending to do. I expect that
16 they are going to reach some kind of decision
17 literally within days.

18 JUDGE SIPPEL: Well, the Commission could
19 -- I mean, the Commission could, on its own, you know,
20 stay this proceeding. But I take it -- I don't know
21 if that was discussed upstairs, but I'm -- my problem
22 is is that I'm left with a -- in a vacuum as far as in
23 terms of what's supposed to be done with this case.

24 I've set a schedule. This case has been
25 pending for a considerable period of time. It really

1 has. And if -- I just have nothing to point to, you
2 have nothing to point to, that says that, well,
3 something is going to happen. You have reason to
4 believe something is going to happen. I don't quarrel
5 with what you're telling me.

6 But I'm still left with this "who knows"
7 bottom line, and I'm very, very reluctant to let this
8 hearing date go, since, you know, we've worked hard to
9 get this far. And the uncertainty of the other
10 alternative is just -- is too much to deal with at
11 this point, in light of the history of this case.

12 So I'm going to deny the motion, but I am
13 going to -- as I say, I am open to -- to suggestions
14 for beyond the normal periods of time for filing
15 proposed findings, you know, if you can give me some
16 kind of assurance.

17 MR. HUBER: Your Honor, may I make one
18 other point that I don't know if I made adequately.
19 Mr. Shook stated earlier that this is a case of first
20 impressions in the sense that we have never had two
21 cases going down a parallel track -- an enforcement
22 case and a distressed sale application.

23 That is true, but there is a case that
24 I've cited in my motion, the LaRose and Swaggart case,
25 in which the Court of Appeals did find that the

1 Commission had to take into consideration related
2 proceedings. Now, in that context, it was not an
3 application for a distressed sale, but there was a
4 bankruptcy proceeding pending. I just wanted to make
5 that point as well.

6 MR. SHOOK: Your Honor, may I make a
7 suggestion? This might seem unusual coming from the
8 Bureau, but I would like to proceed with the hearing
9 today. However, with respect to the proposed findings
10 and conclusions, may I suggest that the -- that Family
11 Broadcasting submit a Motion for Stay with the
12 Commission.

13 The rules would allow such, that, you
14 know, asking the Commission to issue a stay relative
15 to this proceeding, in terms of any other work that
16 might have to be done, and that we could wait on
17 setting dates for findings and conclusions pending
18 resolution of the Motion to Stay.

19 If the Commission granted the Motion to
20 Stay, well, then, that would make it very simple. We
21 wouldn't be doing anything. On the other hand, if the
22 Commission denied the Motion for Stay, well, then, we
23 could set dates for findings and conclusions and move
24 forward with the recognition that should the
25 Commission come out with a substantive decision

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1 relative to the application for review that that might
2 obviate any further work on our part.

3 But, frankly, until something is in
4 writing and it's basically there for the Commission to
5 consider and have to act upon, I'm afraid we're going
6 to be in this never neverland of there have been
7 conversations with the various Commissioners, or there
8 have been conversations with the chairman's office,
9 and we've been assured that something will happen.

10 But we've all been here long enough to
11 realize that until there's a document that is actually
12 signed off on and voted on, we don't have anything.

13 JUDGE SIPPEL: Well, I take it, then, what
14 you're saying is is that you would -- would you join
15 in the stay request? Or just you would not oppose the
16 stay request?

17 MR. SHOOK: I would not oppose -- we would
18 not oppose a Motion for Stay submitted by Family in
19 terms of preparing findings and conclusions.

20 JUDGE SIPPEL: Well, that would give you
21 a lot of relief. I mean, that -- as I see it, Mr. --
22 I mean, I'm not asking you to agree with me, Mr.
23 Huber. That's how I see it, is that that would give
24 you significant relief, and, I mean, everybody is --
25 your client is here in the courtroom. Everything is

1 here. There is not -- you know, there is not -- all
2 that needs to be done today to finish this up.

3 And, you know, it would be even a double
4 waste of time to bring everybody together like this
5 and then have everybody go their separate ways in
6 light of the -- the distance that your client
7 traveled, and then have to come back here and start it
8 up all over again.

9 You know, the -- my immediate job is to --
10 is to handle this case in the most efficient way that
11 I possibly can, and I just can't see -- I just can't
12 see giving you the relief that you want. But I think
13 that with Mr. Shook's proposal your most -- your main
14 labor-intensive chore and that which would probably
15 run up the greatest cost could be deferred, giving the
16 Commission a period of time to act on your
17 application. That's point number one.

18 Point number two being -- that's true. I
19 mean, if I -- again, it's none of my concern in terms
20 of what you have asked the Commission to do, but it
21 would seem to me that -- well, let me say it this way.
22 I don't have before me anything from the Commission
23 telling me what I should do with respect to going
24 forward with this case or not going forward with this
25 case.

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1 Absent having something from the
2 Commission, I don't think that I have any other choice
3 as to -- again, in light of the history of not -- the
4 procedural history of this case. So I acknowledge --
5 I acknowledge Mr. Shook's representation and
6 suggestion. I think it's a good one. I think it's a
7 sound one. I think it certainly is the equitable
8 solution to this quandary that we're in.

9 But I don't have any choice but to
10 continue to make the record in this case, so that it
11 is in a position to ultimately resolve, you know, in
12 the foreseeable future.

13 So that's where I stand. That's where I'm
14 -- that's my ruling on this. Is there anything else?

15 MR. SHOOK: Well, Your Honor had mentioned
16 before that we do have a pending application to
17 receive a deposition into evidence, that it could be
18 dealt with preliminarily or it could be dealt with in
19 the context of our various exhibits that we'll be
20 offering into evidence.

21 JUDGE SIPPEL: Well, let me ask Mr. Huber,
22 because we did touch on that at our telephone
23 conference call also. Are you going to have any
24 opposition to this Alva Clarke deposition coming in?

25 MR. HUBER: No, Your Honor.

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1 JUDGE SIPPEL: All right. So, then, your
2 application is granted. And I have one other
3 preliminary question. I'm going to do -- let me go
4 off the record for just a minute.

5 (Whereupon, the proceedings in the
6 foregoing matter went off the record at
7 9:55 a.m. and went back on the record at
8 9:56 a.m.)

9 JUDGE SIPPEL: At counsel's request, at
10 the request of Mr. Huber, we're going to take a 10-
11 minute recess and then get started.

12 We're in recess. Thank you.

13 (Whereupon, the proceedings in the
14 foregoing matter went off the record at
15 9:56 a.m. and went back on the record at
16 10:04 a.m.)

17 JUDGE SIPPEL: We're back on the record,
18 back in session.

19 I have one concern that I want to raise,
20 and that is there are nine substantive issues set in
21 the hearing designation order -- that is, the
22 Commission's designation order, and one procedural or
23 one conclusory issue.

24 And the document -- the HDO directs that
25 the burdens of proof in proceeding are going to be

1 assigned to Family. And I find under Section 309(d),
2 I believe it is, of the Act -- it is -- I'm sorry,
3 it's 312(d), which is where the Commission may revoke
4 any station license, etcetera, it has a provision that
5 in any case where a hearing is -- I'm quoting now --
6 "In any case where a hearing is conducted, pursuant to
7 the provisions of this section, both the burden of
8 proceeding and the -- with the introduction of
9 evidence and the burden of proof shall be upon the
10 Commission."

11 So I am not -- I'm not convinced that the
12 burden of proof can be assigned to Family in the way
13 that it was.

14 MR. SHOOK: Your Honor, may I point out
15 that when the matter was remanded what the Commission
16 was asking us to focus on was the transfer of control
17 application. In a sense, this proceeding was
18 transformed from a revocation proceeding to an
19 application proceeding.

20 And as a consequence, I believe the
21 Commission properly assigned burdens relative to the
22 respective parties by assigning them to Family
23 Broadcasting in these circumstances, because the point
24 of this part of the proceeding is to determine whether
25 or not the transfer of control application can be

1 granted. And that would transform it from a 312
2 proceeding to a 309 proceeding.

3 JUDGE SIPPEL: I hear what you're saying.
4 Well, I'm open to argument on this at some point down
5 the road.

6 MR. SHOOK: Either way, Your Honor, we're
7 prepared. I mean, if you wished us to go first, we
8 could do that. But I believe the --

9 JUDGE SIPPEL: No, no, no.

10 MR. SHOOK: -- remand order speaks for
11 itself in terms of who is supposed to do what, and
12 what burdens are assigned.

13 JUDGE SIPPEL: Right, it does. It does,
14 and I say that it escapes me because I -- I hear your
15 argument and your analysis, and it's an interesting
16 one, and it's -- it's -- you know, it conforms with
17 probably the technical posture of this case at this
18 point. But it was -- it's still in my -- the overall
19 case is still a revocation case, and the Commission
20 has decided that revocation is premature. That's the
21 long and short of it.

22 MR. SHOOK: Oh, certainly. I mean, it's
23 -- the Commission made it quite plain that the Bureau
24 did not meet its burdens to have the ultimate relief
25 granted on the basis of the summary -- the Motion for

1 Summary Decision, that we needed to go a step further
2 and assess the impact of the transfer of control
3 application --

4 JUDGE SIPPEL: Which.

5 MR. SHOOK: -- which is what we're going
6 to be doing today.

7 JUDGE SIPPEL: Okay. Well, I -- Mr.
8 Huber, you can comment on this if you want. I was
9 thinking of just -- I mean, it's an issue that I would
10 just leave for proposed findings if we get down that
11 -- we have to go down that road.

12 MR. HUBER: That's fine with me. I mean,
13 my preference would be to have a -- the Bureau
14 proceed.

15 JUDGE SIPPEL: Well, I'm going to -- what
16 I'm going to do is I'm going to ask you to put your --
17 you have the documentary evidence, and you've given it
18 to me. Do you have it with you?

19 MR. HUBER: My direct case?

20 JUDGE SIPPEL: Yes.

21 MR. HUBER: Yes, Your Honor.

22 JUDGE SIPPEL: Original and one?

23 MR. HUBER: Pardon me?

24 JUDGE SIPPEL: Do you have what's
25 necessary for the Court Reporter?

1 MR. HUBER: The direct case table of
2 exhibits that I have includes the declaration of
3 Barbara James-Petersen of March 12, 2001.

4 JUDGE SIPPEL: Right.

5 MR. HUBER: Declaration of Barbara James-
6 Petersen, February 6, 2003; declaration of Barbara
7 James-Petersen, June 3, 2002; and a certificate of
8 good standing.

9 JUDGE SIPPEL: Are you prepared to give
10 these to the -- tender these to the Reporter at this
11 time?

12 MR. HUBER: Yes, Your Honor.

13 JUDGE SIPPEL: All right. Do you have the
14 appropriate number of copies? I think you're supposed
15 to have an original and one copy.

16 MR. HUBER: Unfortunately, I do not, Your
17 Honor.

18 JUDGE SIPPEL: All right. Well, let's
19 tell you -- why don't we do it this way. Why don't we
20 have them marked, and we'll put them into evidence.
21 And then, when we take a break, or at lunch or
22 something, you can retrieve the copies from the Court
23 Reporter, have the copies made.

24 We have a facility here. Mr. Shook and
25 Ms. Williams can direct you to where we can do it

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1 here. There's not that many -- I know that there are
2 not that many documents. I mean, it's not that --

3 MR. HUBER: That's fine, Your Honor.

4 JUDGE SIPPEL: So let's proceed. Let's
5 have them marked. Let me start with your first
6 exhibit.

7 MR. HUBER: The declaration of Barbara
8 James-Petersen.

9 JUDGE SIPPEL: Right. How many pages do
10 we have on that?

11 MR. HUBER: Dated March 12, 2001, that is
12 three pages, Your Honor.

13 JUDGE SIPPEL: All right. Do you want to
14 tender that to the Court Reporter? And do you have
15 the stamp? She will stamp it and mark it for
16 identification as Family Hearing Exhibit Number 1.

17 (Whereupon, the above-referred
18 to document was marked as
19 Family Broadcasting Exhibit
20 No. 1 for identification.)

21 Today's date is the 16th. Okay. Is there
22 any objection to receiving that into evidence?

23 MR. SHOOK: No objection.

24 JUDGE SIPPEL: Okay. Then, it's received
25 as Family Exhibit Number 1.

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1 (Whereupon, the above-referred
2 to document, previously marked
3 as Family Broadcasting Exhibit
4 No. 1 for identification, was
5 received in evidence.)

6 This -- of course, numbers are with
7 respect to the Phase 2 hearing, so that there's no
8 confusion with other exhibits that might be in this
9 case from your earlier proceeding. But I'm not going
10 to worry about that.

11 Okay? Do you have that? Your next one?

12 MR. HUBER: The second exhibit, Your
13 Honor, is the declaration of Barbara James-Petersen,
14 dated February 6, 2003. It's two pages.

15 JUDGE SIPPEL: Okay. Give that to the
16 Reporter, and I ask the Reporter to mark that for
17 identification as Family Broadcasting Exhibit
18 Number 2.

19 (Whereupon, the above-referred
20 to document was marked as
21 Family Broadcasting Exhibit
22 No. 2 for identification.)

23 Is there any objection to its receipt into
24 evidence at this time?

25 MR. SHOOK: No objection.

1 JUDGE SIPPEL: Okay. Then, Family
2 Broadcasting Exhibit 2, as identified, is received in
3 evidence as Family Broadcasting Exhibit 2.

4 (Whereupon, the above-referred
5 to document, previously marked
6 as Family Broadcasting Exhibit
7 No. 2 for identification, was
8 received in evidence.)

9 Your next exhibit?

10 MR. HUBER: The third exhibit, Your Honor,
11 is the declaration of Barbara James-Petersen, dated
12 June 3, 2002. It's two pages.

13 JUDGE SIPPEL: Two pages, with the
14 attachments? Aren't there attachments to this?

15 MR. HUBER: No, Your Honor.

16 JUDGE SIPPEL: This is Exhibit 3 now?

17 MR. HUBER: Yes, Your Honor.

18 JUDGE SIPPEL: Are you sure that there are
19 not -- well, there were in the copy that I have. Yes,
20 there are copies of -- there's a shareholder list, and
21 then there are copies of --

22 MR. HUBER: Yes, Your Honor. Oh, okay.
23 There is a shareholder list.

24 JUDGE SIPPEL: Copies of certificates
25 attached.

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1 MR. HUBER: There is an Exhibit A
2 shareholder list. I apologize, Your Honor.

3 JUDGE SIPPEL: And Exhibit B are the stock
4 certificates?

5 MR. HUBER: Yes, Your Honor.

6 JUDGE SIPPEL: According to my office,
7 there is -- there should be 14 pages in this entire
8 exhibit. Do you want to tender the whole exhibit to
9 the --

10 MR. HUBER: Yes, Your Honor.

11 JUDGE SIPPEL: -- to the Reporter? This
12 is your Exhibit 3, declaration of Barbara James-
13 Petersen, dated June 3, 2002. The Reporter will mark
14 that for identification as Family Broadcasting Exhibit
15 Number 3.

16 (Whereupon, the above-referred
17 to document was marked as
18 Family Broadcasting Exhibit
19 No. 3 for identification.)

20 Any objection to receiving it?

21 MR. SHOOK: No objection.

22 JUDGE SIPPEL: It's received in evidence
23 at this time as Family Broadcasting Exhibit 3.

24 (Whereupon, the above-referred
25 to document, previously marked

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